

PATENTS
ODS-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Kevin D. Satterfield et al.
Application No. : 09/516,428 Confirmation No. 3649
Filed : March 1, 2000
For : INTERACTIVE WAGERING SYSTEM WITH CRITERIA
WAGERING
Group Art Unit : 3629
Examiner : Richard S. Woo

Mail Stop Petition
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

EXPRESS MAIL CERTIFICATION

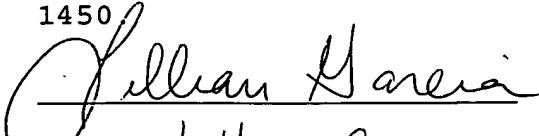
Express Mail Label No. EF230784452US

Date of Deposit: January 5, 2005

I hereby certify that this certification and the following papers:

1. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (in duplicate);
2. Declaration of Adam M. Saltzman;
3. Copy of the front cover of the file folder; and
4. Docketing system print-out

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Name: Lillian Garcia

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

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Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

Applicants respectfully request that the Office
Action in the above-identified case be re-mailed. Applicants'
agent, the undersigned, spoke to the Examiner on
December 20, 2004 during which the Examiner informed him that
applicants had failed to respond to an Office Action mailed
June 15, 2004.

01/07/2005 MAHMED1 00000025 061075 09516428

01 FC:1464 130.00 DA

Express Mail No.:
EF230784452US

As demonstrated in the enclosed Declaration of Adam M. Saltzman, no such June 15, 2004 Office Action was received by the undersigned or Fish & Neave LLP, the attorneys and agents of record,* for the above-identified case.

Further, no such Office Action is in the application file for this case. There is also no indication on the front cover of the file folder (copy enclosed) that this Office Action was received.

Moreover, there is no indication in our docketing system that this Office Action was ever received, as demonstrated by the enclosed docketing system print-out for all actions relating to the above-identified case. If the Office Action was received, the docketing system is where the receipt of the Office Action would have been entered and docketed for responding.

For the foregoing reasons, applicants respectfully request the Office Action be re-mailed, thus resetting the date for response.

* Prior to January 1, 2005, the attorneys and agents of record were employed by Fish & Neave LLP. As of January 1, 2005, the attorneys and agents of record are now employed by the Fish & Neave IP Group of Ropes & Gray LLP.

If the Patent and Trademark Office deems that this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action should be considered a Petition For Revival Of Abandoned Application pursuant to 37 C.F.R. § 1.137, the Commissioner is hereby authorized to charge payment of the appropriate petition fee set forth in 37 C.F.R. § 1.17, and any additional fees, to the Fish & Neave IP Group of Ropes & Gray LLP Deposit Account No. 06-1075. A duplicate copy of this paper is enclosed.

The Commissioner is hereby authorized to charge ~~\$130.00~~ in payment of the petition fee set forth in 37 C.F.R. § 1.17, and any additional fees, to the Fish & Neave IP Group of Ropes & Gray LLP Deposit Account No. 06-1075. However, because the filing of this Petition is not due to an error on the part of applicants or applicants' attorney, it is respectfully requested that if this is found that the fee be refunded. In addition, the Commissioner is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit

Account No. 06-1075. A duplicate copy of this paper is enclosed herewith.

Respectfully submitted,



Adam M. Saltzman
Reg. No. 52,188
Agent for Applicants
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090



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PATENT APPLICATION

Applicants : Kevin D. Satterfield et al.
Application No. : 09/516,428 Confirmation No. : 3649
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For : INTERACTIVE WAGERING SYSTEM WITH
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Group Art Unit : 3629
Examiner : Richard S. Woo

Mail Stop Petition
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF ADAM M. SALTZMAN

Sir:

I, ADAM M. SALTZMAN, declare and state as follows:

1. Prior to January 1, 2005, I was a patent agent at Fish & Neave LLP, previous attorneys and agents of record in the above-identified patent application. As of January 1, 2005, I am now a patent agent at the Fish & Neave IP Group of Ropes & Gray LLP, current attorneys and agents of record in the above-identified application. Prior to

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January 1, 2005, I was the patent agent at Fish & Neave LLP in charge of the prosecution of this application. As of January 1, 2005, I am now the patent agent at the Fish & Neave IP Group of Ropes & Gray LLP in charge of the prosecution of this application. I make this declaration in support of applicants' Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action and request therein for the Office Action to be re-mailed.

2. It was the practice of Fish & Neave LLP, and is now the practice at the Fish & Neave IP Group of Ropes & Gray LLP, that all correspondence from the United States Patent and Trademark Office, whether addressed to the firm or to an individual attorney or patent agent, is received by the firm's Mail Room and is hand carried to the firm's United States Patent Application Department. After the correspondence has been docketed in that department, it is then hand carried to the attorney, patent agent or patent agent trainee who is primarily responsible for the prosecution of the application to which it relates.

3. I have no recollection of receiving an Office Action dated June 15, 2004 in the above-identified application.

4. Upon information and belief, I believe that an Office Action, dated June 15, 2004, in this application was neither received nor docketed by the United States Patent Application Department of Fish & Neave LLP or the Fish & Neave IP Group of Ropes & Gray LLP.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18, United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.


Adam M. Saltzman

CLIENT NO. 3043
MATTER NO. 010

JAN 05 2005

FISH & NEAVE

**1251 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10020**

INVENTOR Kerin D. Satterfield, Jim C. Zaring & Connie T. Marshall

SERIAL NO. 09/516, 429 FILED March 1, 2000

TITLE INTERACTIVE WATERING SYSTEM WITH CRITERIA WATERING

ASSIGNEE ODS TECHNOLOGIES, L.P.

ASSIGNMENT RECORDED 3/1/00 10 17 00 REEL 010656 1789 FRAME 384 916

OFFICE ACTIONS

AMENDMENTS

5/16/00 Filing Receipt Received

3-1-00 Executed Declaration filed

6/6/00 Revoked Assignment Paid

3.1.00 Exempted Assignment filed

12/11/00 Notice of Confession. #

| | |
|-------|-----------------------|
| 3:100 | Formal drawings filed |
|-------|-----------------------|

2/27/01 Corrected Recodation of Assignment

8/1/60 Information and Statement

8/16/01 - Recorded Assignment Rec'd

8/1/02 Preliminary Assessment

7/15/03-3 month final office action

10/11/09 Executed Environment Confirmation

3/12/01- Req. for Corrected Notice of Revocation

4/12/02 - Supplemental IDs filed

4/4/03 - Amendment filed

1/5/04 - Notice of Appeal filed

3/15/04 REC Filed

3/15/04 Response filed

ALLOWED _____ FINAL FEE PAID _____

PATENT NO. _____ DATE _____

| MAINTENANCE FEE SCHEDULE | | | |
|--------------------------|-----------------------|---------------|-----------|
| FEES DUE | FEE PAYABLE BEGINNING | LTR TO CLIENT | FEES PAID |
| | | | |
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Express Mail No:
EF230784452US



Patent: ODS/010, United States, REGULAR CASE TYPE, NATIONAL CASE, ORIGINAL OR PATENT CASE

Patent Data

| | | | |
|--------------------|-------------------------|---------------------|----------------------|
| Docket Number | ODS/010 | Associate | ADAM M. SALTZMAN |
| Country | United States | Agent | |
| Case Type | REGULAR CASE TYPE | Client\Division | ODS PROPERTIES, INC. |
| Relation Type | ORIGINAL OR PATENT CASE | Current Owner | ODS PROPERTIES, INC. |
| Filing Type | NATIONAL CASE | Previous Owner | |
| Filing Number | | Text#10 | |
| Status | Filed | First Filing Date | 3/1/2000 |
| Sub Status | | Sub Status Date | |
| Parent Country | | Parent Filing Date | |
| Parent Number | | Parent Grant Date | |
| Application Number | 09/516428 | Application Date | 3/1/2000 |
| Patent Number | | Grant Date | |
| Publication Number | | Publication Date | |
| Assigned | ASSIGNMENT RECORDED | Ind. Claims\Designs | 0 |
| Convention Type | | Total Claims | 0 |
| Misc Type | | TotalClasses | |
| TaxAgent | | ConfirmationNumber | 3649 |
| Reviewer | JOSEPH M GUILIANO | Tax Base Date | |
| Partner | JOSEPH M GUILIANO | Next Tax Date | |
| Custom Party #2 | | Expiration Date | |
| Custom Party #3 | | Custom Text #1 | |
| Custom Party #4 | | Custom Date #1 | |
| Custom Party #5 | | Custom Text #2 | |
| Custom Party #6 | | Custom Date #2 | |
| Custom Party #7 | | Custom Text #3 | |
| Custom Party #8 | | Custom Date #3 | |
| Agent Ref No | | Custom Text #4 | |
| Custom Code #2 | | Custom Date #4 | |
| Custom Code #3 | | Text #5 | |
| Custom Code #4 | | Text #6 | |
| Custom Code #5 | | Text #7 | |
| Custom Code #6 | | Text #8 | |
| Custom Code #7 | | Text #9 | |
| Customer Code | FNPP | Customer Name | Fish & Neave |

Title

INTERACTIVE WAGERING SYSTEM WITH CRITERIA WAGERING

Description

RECORDED: MARCH 1, 2000 REEL: 010656 FRAME: 384 CONFIRMATORY ASSIGNMENT RECORDED: OCTOBER 17, 2000 REEL: 11187 FRAME: 461 RECORDATION DATE: OCTOBER 17, 2000 REEL: 11789 FRAME: 916

Current Expense Information

Expenses

| Expense | Amount | Expense Date | Invoice Number |
|--|--------|--------------|----------------|
| ART GROUP NUMBER FOR THE U.S. PTO 3629 | | | |

Express Mail No.:
EF230784452US

Other Case-Related Information

Actions

| Action | Action Due Date | Taken Date | Deadline Date | Completed Date | Responsible Atty #1 | Responsible Atty #2 | Action Notes |
|-------------------------------------|-----------------|------------|---------------|----------------|---------------------|---------------------|--------------|
| FOREIGN FILING DEADLINE (12 MO) | | | | 2/28/2001 | | | |
| ASSIGNMENT | | 10/11/2000 | | 10/17/2000 | | | |
| RECORDED ASSIGNMENT RECEIVED | | | | 8/6/2001 | | | |
| INFORMATION DISCLOSURE STATE. FILED | | 8/1/2000 | | 8/4/2000 | | | |
| FORMAL DRAWINGS FILED | | 3/1/2000 | | 3/1/2000 | | | |
| SUPPLEMENTAL DISCLOSURE STATEMENT | | 4/12/2002 | | 4/15/2002 | | | |
| REQ./CORR.NOTICE OF RECORDATION | | 1/22/2001 | | 1/30/2001 | | | |
| REQUEST FOR CONTINUED EXAMINATION | | 3/15/2004 | | 3/15/2004 | | | |
| FINAL REJECTION | | | | 7/15/2003 | | | |
| NOTICE OF CONFIRMATION NUMBER ASSGN | | | | 12/11/2000 | | | |
| APPLICATION REJECTED | | | | 10/4/2002 | | | |
| NOTICE OF APPEAL FILED | | 1/15/2004 | | 3/15/2004 | | | INEXTENSIBLE |
| EXECUTED DECLARATION FILED | | 3/1/2000 | | 3/1/2000 | | | |
| AMENDMENT FILED | | 4/4/2003 | | 4/8/2003 | | | |
| RESPONSE FILED | | 3/15/2004 | | 3/15/2004 | | | |
| RECORDED ASSIGNMENT RECEIVED | | | | 6/6/2000 | | | |
| FILING RECEIPT RECD. | | | | 5/16/2000 | | | |
| NEW APPLICATION - SENT TO PTO | | 3/1/2000 | | 3/1/2000 | | | |
| ASSIGNMENT | | 3/1/2000 | | 3/1/2000 | | | |
| CORRECTED RECORDATION NOTICE | | | | 2/27/2001 | | | |
| REQ./CORR.NOTICE OF RECORDATION | | 7/12/2001 | | 7/23/2001 | | | |
| RECORDED ASSIGNMENT RECEIVED | | | | 1/3/2001 | | | |
| PRELIMINARY AMENDMENT FILED | | 8/1/2000 | | 8/4/2000 | | | |

Inventors

| Inventor | Assignment Date |
|-----------------------|-----------------|
| SATTERFIELD, KEVIN D. | |
| ZARING, JON C. | |
| MARSHALL, CONNIE T. | |

CreateUser: GLBM

UpdateUser: raf

CreateDate: 3/8/2000

UpdateDate: 11/30/2004

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